

REMARKS

This application has been reviewed in light of the Office Action dated March 3, 2004. Claims 66-68, 70-74, 89 and 90 are presented for examination, of which Claims 66 and 89 are in independent form. Claim 90 has been added to provide Applicant with a more complete scope of protection. Claims 66-70, 72 and 89 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

Claims 66-68, 70-72 and 89 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,421,429 (Merritt et al.) in view of U.S. Patent 5,838,685 (Hochman). Claim 73 was rejected under Section 103(a) as being obvious from *Merritt* in view of *Hochman* and U.S. Patent 6,211,972 (Okutomi et al.), and Claim 74 was rejected under Section 103(a) as being obvious from *Merritt* in view of *Hochman*, U.S. Patent 5,872,845 (Feder) and WIPO Publication WO 97/10668 (Kulakowski).

Independent Claim 69 is directed to an image communication method that utilizes a plurality of Internet facsimile modes and a G3 facsimile mode, in which a detection is made as to what Internet facsimile mode a destination apparatus of image data has, from the plurality of Internet facsimile modes, this determination being made during communication in the G3 facsimile mode, in accordance with a first procedure signal of the G3 facsimile mode from the destination apparatus. Then, an image is transmitted to the destination apparatus based on the Internet facsimile mode of the destination apparatus detected in the detecting step.

Merritt relates to a network-based system including a database that holds profiles of end users. When a user desires to send image data to a destination, the user's terminal

(such as a PC or workstation; col. 5, lines 51-65) communicates with a nodal server, which accesses the database and determines what modes the destination terminal is capable of accommodating. If the mode desired by the sender is available at the destination, the data is sent to the destination (either in real time or after storage for some period of time), while if there is no match, then the data can be converted into a format that is acceptable to the destination, after which the data is sent to the destination (again, either in real time or after storage for some period). Even if *Merritt* is deemed to suggest that the initial communication between the sender (calling terminal) and the nodal server may be by means of G3 standard signals, nothing in that patent is seen to teach or suggest that the determination is made based on information obtained in any way using a G3 signal from the destination station, as recited in Claim 66. Indeed, it appears that *Merritt* does not contemplate that the calling station communicates with the destination at all except through the nodal server. For at least that reason, it is deemed clear that Claim 66 is allowable over *Merritt* taken alone.

Hochman relates to an apparatus for the transmission of data files over a network using identifier codes in header messages. The identifiers are used by the recipient network to identify the type of data being transmitted, to aid in the routing and handling of “store-and-forward” type messages without a need to search the message body to determine the message type.

Applicant submits that nothing has been found, or pointed out, in *Hochman* that would teach or suggest detecting an Internet facsimile mode of a communication partner’s apparatus in accordance with the first procedure signal in the G3 facsimile mode from the

partner's (destination) apparatus, as recited in Claim 66. The portions of *Hochman* cited in the Office Action are understood to relate to the sending of a store-and-forward e-mail or facsimile message composed on a personal computer containing an identifier in the message header. The identifier in *Hochman* is used by the recipient's device to identify the proper application required to process the stored message, be it e-mail, facsimile, or something else, without having to scan the entire message body. The identifier in the header of *Hochman* is sent regardless of the nature of the recipient's device and does not require that the sender query the recipient's device to determine its capabilities. Accordingly, even if *Hochman* is combined with *Merritt* (and assuming for argument's sake that such combination would be permissible), the result would not meet the terms of Claim 66.

Independent Claim 89 is directed to an image communication apparatus that utilizes a plurality of Internet facsimile modes and a G3 facsimile mode, and the apparatus comprises a detection unit adapted to detect an Internet facsimile mode that which a destination apparatus of image data has, from the plurality of Internet facsimile modes, during communication in the G3 facsimile mode, in accordance with a first procedure signal of the G3 facsimile mode from the destination apparatus, and a transmission unit adapted to transmit an image based on the Internet facsimile mode of the destination apparatus detected by said detection unit.

Claim 89 is believed to be clearly allowable over *Merritt* and *Hochman* for the same reasons as discussed above in connection with Claim 66.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references

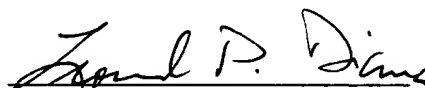
against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application depend from one or the other of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


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